

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOSEPH J. YEOMAN,

Case No. 23-CV-188-JPS

Plaintiff,

v.

JON FRY, WILLIAM EMBREY, JOHN
DOE, JOHN DOE 1, RACINE COUNTY,
RACINE COUNTY SHERIFF'S OFFICE,
TOWNSHIP OF YORKVILLE,
and
CHRISTOPHER SCHMALING,

Defendants.

STIPULATED FINDINGS OF FACT

NOW COME Defendants Jon Fry, William Embrey, Racine County, and Sheriff Christopher Schmaling, by and through their attorneys, Meissner Tierney Fisher & Nichols, S.C., by Jacob A. Sosnay, and as and for their stipulated facts, agreed to following a video conference with Plaintiff on August 22, 2025:

STIPULATED FACTS

On August 3, 2016, at about 11:35 p.m., Plaintiff Joseph Yeoman's minivan was involved in a collision on westbound/northbound I-94 just south of the Highway 20 exit in Racine County, Wisconsin. Plaintiff denies he was driving the minivan at the time. Plaintiff claims a man named Stephen Eary was driving. Plaintiff claims his vehicle was struck from behind by a blue truck driven by a male, also containing a female passenger. Plaintiff claims he then saw the blue truck

in the parking lot at Kwik Trip gas station, which both cars happened to pull into following the accident.

A Kwik Trip gas station is located just east of the I-94 exit at Highway 20. While investigating the reports from witnesses Jennifer Link and Sara Lucht (see disputed facts), Sgt. Fry pulled into the Kwik Trip parking lot where he observed Plaintiff outside of a red minivan near the driver's side door in a parking spot on the south side of the Kwik Trip building. When Sgt. Fry approached, Plaintiff stated "I didn't do anything." Plaintiff further contends he was merely trying to explain the situation. Plaintiff claims he told the Officers he had been hit by the blue car/truck but claims that the Officers ignored him.

Sgt. Fry asked Plaintiff if the red minivan was Plaintiff's and Plaintiff advised it was. Plaintiff was arrested on suspicion of operating while intoxicated and hit and run.

After the arrest, Plaintiff moved to suppress evidence seized during a search of his minivan and challenged probable cause for his arrest. At a November 2016 hearing on those motions both Sgt. Fry and Dep. Embry testified regarding their observations, including cross-examination by Plaintiff's then-attorney. Plaintiff's motions were denied on January 12, 2017. Plaintiff jumped bail and approximately two years later, when he was arrested on unrelated charges, the prosecution related to the incident in this case resumed. After resumption, Plaintiff filed a motion to reconsider the motions noted above which the Court was scheduled to hear. However, that hearing never occurred and the case was dismissed on October 12, 2021, on the motion of the Racine County prosecutor because evidence that had been gathered during the investigation was lost.

Plaintiff later attempted to recover his bail money, but that request was denied. He then appealed that decision as well as the decision on his motion to suppress and for lack of probable

cause to arrest. After being granted 7 extensions to file his appeal materials, the Court of Appeals denied an 8th request for an extension and his appeal was dismissed. This lawsuit followed.

Dated this 29th day of September 2025.

MEISSNER TIERNEY FISHER & NICHOLS, S.C.

By: Electronically signed by Jacob A. Sosnay

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